

Bentonville City Council

Meeting Minutes

August 22, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 22, 2023, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Beckie Seba, Gayatri Agnew, Bill Burckart, and Holly Hook. Council Member Chris Sooter joined via Zoom. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Mattie Gonzales, a Girl Scout from Troop 5273, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the August 8, 2023, meeting as presented, second by Council Member Patterson. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

I. New Business:

1. Ordinance No. 2023-199: Ordinance vacating a drainage easement located at Lot 18 of Rainbow Junction-Bentonville Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas.

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

2. Resolution No. 8-22-23 A: A resolution authorizing the Mayor and City Clerk to accept three (3) state of Arkansas Aeronautical Grants, in the total amount of seven hundred thousand dollars (\$700,000.00); adjusting the 2023 Budget to recognize and appropriate said funds; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

3. Resolution No. 8-22-23 B: A resolution authorizing the Mayor and City Clerk to enter into Work Order No. 04 with Garver, LLC., for construction phase services at the Bentonville Municipal Airport, in an amount not to exceed seventy-four thousand seven hundred twenty-five dollars (\$74,725.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2023-200: Ordinance waiving competitive bidding for the construction of hangar infrastructure and development at the Bentonville Municipal Airport; authorizing the Mayor and City Clerk to enter into an agreement with Sy-Con Excavation & Utilities, for said purpose, in an amount not to exceed nine

hundred thirty-five thousand four hundred seventy-eight dollars (\$935,478.00); and for other purposes.

Council Member Acree asked why the item was being waved. Debbie Griffin, Community Relations and Economic Development Director explained that this company is already mobilized to remove the dirt and will allow the City of Bentonville to save thousands of dollars by going with Sy-Con Excavation & Utilities.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5. A resolution amending Resolution 9-3-22 D to include reimbursable expenses for the Station 3 Project, in the approximate amount of two thousand nine hundred fifty-two dollars and seventy-three cents (\$2,952.73); and for other purposes.

Mayor Orman said there is a Finance Committee recommendation to table this item.

City Attorney Andrew Myers read the resolution by title only. Motion to table by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

6. Resolution No. 8-22-23 C: A resolution awarding a contract to LDV, Inc. for the purchase of a Mobile Command Center Vehicle, through the HGAC cooperative purchasing agreement, in the amount of nine hundred thirty-one thousand twenty-two dollars (\$931,022.00); adjusting the 2023 Budget to recognize thirty-one thousand twenty-two dollars (\$31,022.00) from Police Impact Fee Funds; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

7. Resolution No. 8-22-23 D: A resolution awarding bid IFB-23-44, to Milestone Construction, in the total amount of six hundred twenty-four thousand two hundred sixty-two dollars and twenty-six cents (\$624,262.26), including contingency, for the Town Branch Park Renovation Project; adjusting the 2023 Budget to recognize ARPA funds and appropriate General Fund Reserves; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

8. Resolution No. 8-22-23 E: A resolution authorizing the Mayor and City Clerk to enter into an extra work authorization, with CEI, Engineering Associates, Inc., in the amount of fifteen thousand dollars (\$15,000.00), for additional construction observation needed on the Razorback Greenway Trail Project; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

9. Resolution No. 8-22-23 F: A resolution awarding bid IFB-23-50, to Grant Garrett Excavating, Inc., in the amount of thirty-nine thousand nine hundred dollars (\$39,900.00), for Memorial Park parking lot maintenance and striping; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

II. Utility Board:

1. Resolution No. 8-22-23 G: A resolution awarding bid IFB-23-52, to the lowest responsive bidders, for underground and overhead wire in an approximate amount of two hundred one thousand two hundred thirty dollars and twenty cents (\$201,230.20), plus applicable taxes; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2023-201: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Electric Cooperative, Inc., for the purchase of three (3) phase transformers, in an amount not to exceed two hundred sixty-one thousand one hundred forty-seven dollars (\$261,147.00), plus applicable taxes; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2023-202: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Eaton Corporation for the purchase of electric meters on an as needed basis, at the per unit prices set forth in the attached Exhibit A, plus applicable taxes; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by

Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Resolution No. 8-22-23 H: A resolution recognizing revenue in the amount of one hundred seven thousand one hundred ninety-five dollars and forty-one cents (\$107,195.41) into Account # 503010-34410 - Billed Services; adjusting the 2023 Budget; and for other purposes.

Council Member Sanchez explained that the revenue is from when the Bentonville Electric Department helped in North Little Rock after a major storm, so this is payment for those expenses.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

5. Resolution No. 8-22-23 I: A resolution authorizing the Mayor and City Clerk to enter into an amendment to the professional services agreement with Hawkins-Weir Engineers, Inc., in the amount of six million one hundred sixty-three thousand six hundred dollars (\$6,163,600.00); adjusting the 2023 Budget to appropriate the same from Utility Fund Reserves into Account #503030-47210 - Plants and Building; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

6. Resolution No. 8-22-23 J: A resolution authorizing the Mayor and City Clerk to enter into an amendment to the agreement with Olsson Inc., to include peak flow improvement alternatives and project and quality management services related to the sewer collection analysis and peak flow management program; approving a budget adjustment in the amount of one million four hundred seventeen thousand eight hundred eighty-seven dollars

(\$1,417,887.00) from Utility Fund Reserves to Account #503040-47340 - Sewer Improvements; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

III. Planning:

1. Ordinance No. 2023-203: Ordinance accepting a lot split of unplatted section land and part of Lot 174 of Oxford Ridge Subdivision; creating new Lots 1, 2, and 3 of Pabst Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0036).

[Applicant: Pabst Revocable Trust;

Location: 4229 SW Bright Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Patterson. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2023-204: Ordinance accepting a property line adjustment of existing Lots 21 & 22, Block 2 of Clark's 2nd Addition; creating new Lot 35, Block 2 of Clark's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0042).

[Applicant: Ted and Suzanne Lennard;

Location: 306 SW 3rd Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2023-205: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ23-0057).

[Applicant: Nathan and Meredith Morgan;

Location: 303 NW H Street]

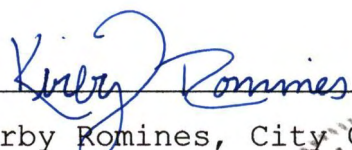
Council Member Acree asked if there were any objections to this item and the most the zoning allows. Director of Planning and Community Development Tyler Overstreet explained what DN-1 zoning allows. Council Member Burckart asked about the Planning Commission recording and could not hear discussions well. Tyler Overstreet said there was an issue with a mic that has since been fixed.

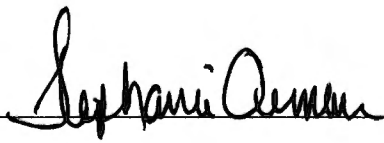
City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Hook.

Council Member Agnew congratulated the City of Bentonville on the City Hall Selfie Day recognition. Council Member Burckart and Council Member Agnew shared positive feedback they have received regarding the new agenda software.

The next Bentonville City Council meeting will be on September 12, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

